



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                 |             |                      |                     |
|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
| 097299,562      | 04/27/99    | HEGEDUS              | 3347-101P           |

026646  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

HM11/0823

|          |
|----------|
| EXAMINER |
| HAMUD, F |

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 1647     |              |

DATE MAILED: 08/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

file copy

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/299,562    | 04/27/99    | Hegedus et al.        | 3347-101P           |

| EXAMINER     |              |
|--------------|--------------|
| FOZIA HAMUD  |              |
| ART UNIT     | PAPER NUMBER |
| 1647         | 16           |
| DATE MAILED: |              |

Please find below a communication from the EXAMINER in charge of this application

1. Applicant's election without traverse of paclitaxel from Group A and serum albumin from Group B in Paper No.15 filed on 08 June 2001 is acknowledged.
- 2a. The reply filed on 23 September 2000 in Paper NO.13 is not fully responsive to the communication mailed on 16 March 2000 in Paper NO.10 for the reasons set forth below:

On page 3 of the office action mailed on 16 March 2000 in Paper No.10, the Examiner required that a section titled "Brief Description of the Figures" describing the figures be included after the section titled "Brief Summary of the Invention". The Examiner at that time indicated that **Appropriate correction is required.** However, Applicants presented arguments alleging that the figures of the present application are properly described throughout the specification and replacing "the general formula I" on page 5, line 4 with "figure 1" is sufficient for the purpose of clarification. This is deemed non responsive because, according to the MPEP §608.01 (f), when there are drawings there shall be "Brief Description of the Several Views of the Drawing(s)". A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74 is required. Thus **Appropriate correction is required.**

2b. The reply filed on 23 September 2000 in Paper NO.13 is also not fully responsive to the communication mailed on 16 March 2000 in Paper NO.10, because Applicants did not address all the rejections made under 35 U.S.C. 112 second paragraph, against pending claims 23, 30-37, asserting that claims 1-23 and 30-41 have been canceled. However, only claims 1-22 and 38-41 have been canceled on 23 September 2000 in Paper NO.13, and therefore, Applicants need to address all the rejections made against claims 23, 30-37.

The above-mentioned reply appears to be *non bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS**, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37

CFR 1.136(a).

***Advisory Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fozia Hamud whose telephone number is (703) 308-8891. The examiner can normally be reached on Monday, Thursday-Wednesday from 6:30AM to 4:00PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Official papers filed by fax should be directed to (703) 308-4227. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Fozia Hamud  
Patent Examiner  
Art Unit 1647  
20 August 2001

CHRISTINE J. SAOUD  
PRIMARY EXAMINER

*Christine J. Saoud*